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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,173	06/14/2001	William Kress Bodin	AUS920010583US1	8004

34533 7590 04/14/2006
INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,173

Applicant(s)

BODIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments presented in the appeal brief, dated 1/17/2006, regarding the claimed subject matter of the claims is persuasive and, therefore, the finality of office action, dated 5/19/2005, is withdrawn and the prosecution is hereby reopened. However, upon further consideration of the available prior arts, the claimed subject matter is rejected with the new grounds of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No.09/882174. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/882174. The limitation “assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors” is equivalent to the use of content information, transcoding gateway for providing director instructions to stream digital content, and the use of email containing digital content. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-22 of copending Application No. 09/882174.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-15 of copending Application No.09/881919. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 10 of copending Application No. 09/881919. The limitation “assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors” is equivalent to the use of a content server through which digital content is transcoded into streams

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of multimedia data, the streams communicated via network to client devices, use of the digital content for streaming, use of remote director instructions comprising hyperlinked URLs invoked through a network-capable device. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 11-15 of copending Application No. 09/881919.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/881917. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/881917. The limitation “assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors” is equivalent to the use of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices, use of network of digital computers comprising a content server. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-20 of copending Application No. 09/881917.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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7. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/881915. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/881915. The limitation “assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors” is equivalent to the use of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices upon a network of digital computers comprising a content server receiving digital content from the sources and the digital content having a multiplicity of digital formats. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-12 of copending Application No. 09/881915.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Specification

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: “Director authorized to control and transcode servlets of content server to stream digital content over network”.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgman et al. US 2002/0087655 A1 Jul. 4, 2002. (Hereinafter Bridgman) in view of Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416 434 (Hereinafter Nusbaum) and Java Media Framework API Guide, November 19,1999, Sun Microsystems, pages 1-66, 109-135, 173-178 (Hereinafter JMF-Sun).

11. As per claims 1, 12 and 23, Bridgman teaches a method (e.g., paragraph 26, col., 2), a system (e.g., paragraph 23, col., 2, figure 1) and a computer program product (e.g., paragraphs 66 and 67, col., 4) to implement assigning in a system (e.g., 120 of figure 1, paragraphs 13 and 14, col., 1) that streams digital content (e.g., paragraph 22, col., 2, paragraph 45, col., 3) from a multiplicity of sources (e.g., 10, paragraphs 13 and 14, col., 1, paragraphs 24 and 29, col., 2) of digital information (e.g., paragraph 22, col., 2, paragraph 45, col., 3) to a multiplicity of client devices under control of a multiplicity of directors (e.g., paragraph 23, col., 2, paragraph 44, col., 3, 120 of figure 1, paragraphs 13 and 14, col., 1), implemented in conjunction with a network (e.g., paragraph 31, col., 2) of digital computers (e.g., 100 of figure 1, paragraphs 13 and 14, col., 1, paragraph 46, col., 3), at least one of the digital computers comprising a content server (e.g.,

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110 of figure 1, paragraphs 13 and 14, col., 1) upon which the steps of the method are implemented in computer memory and upon at least one computer processor (e.g., 110 of figure 1, paragraphs 13 and 14, col., 1), each director having director attributes (e.g., transcoding attributes, 120 of figure 4, paragraphs 13 and 14, col., 1), the content server including a store of director instruction records (e.g., paragraph 51, col., 3) wherein each director instruction record represents one director instruction (e.g., 120 of figure 4, paragraphs 13 and 14, col., 1), comprising as follows: getting for a director, in dependence upon the director's attributes (e.g., paragraph 63, col., 4, paragraph 58, col., 4), director instructions (e.g., paragraph 58, col., 4), from the store of director instruction records (e.g., paragraph 62, col., 4); and providing the extracted director instructions to the director (e.g., paragraph 59, col., 4).

However, Bridgman does not specifically mention about downloading.

Nusbaum discloses well-known concept of downloading (e.g., section 1.2.1, page 2, section 1.3.2, page 12, section 1.4.3, page 20, section 1.5.2, page 22, sections 2.1.2, 2.1.3, pages 39, section 2.1.4, page 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bridgman with the teachings of Nusbaum in order to facilitate downloading because the downloading would enhance providing information to the information utilizing receiver element. The receiver element would utilize the downloaded information.

Bridgman and Nusbaum do not specifically mention about assigning director authority and extracting instructions.

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JMF-Sun discloses well-known concept of assigning director authority and extracting instructions (e.g., pages 8, 17, 19, 20, 25, 37, 38, 66, section 9, page 129).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bridgman and Nusbaum with the teachings of JMF-Sun in order to facilitate assigning director authority and extracting instructions because the assignment would enhance providing implementation as per the directory authority. The extracting would provide instructions that would be used for the system and which would be used by the director for processing information.

12. As per claims 2-11, 13-22 and 24-33, Bridgman, Nusbaum and JMF-Sun teach the claimed limitations as rejected above. Bridgman also discloses the following:

logging in a director to the content server (e.g., paragraph 43, col., 3) and determining the director's attributes (e.g., paragraph 52, col., 3), determining the director's attributes further comprising reading a store of director records wherein each director record represents one director (e.g., paragraph 52, col., 3), each director record comprising a director identification (e.g., paragraph 43, col., 3),

each director record further comprises a director authority (e.g., paragraph 51, col., 3), one director has administrative director authority (e.g., paragraph 43, col., 3), and administrative director authority includes authority to edit the director instruction records (e.g., paragraph 51, col., 3),

the director attributes include director authority (e.g., paragraph 51, col., 3),

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editing the director instruction records (e.g., paragraph 52, col., 3), wherein the editing is carried out through a director having administrative director authority (e.g., paragraph 43, col., 3),

the director attributes comprise a director identity (e.g., paragraph 43, col., 3), wherein the director instruction records comprise a director instruction identity (e.g., paragraph 51, col., 3), and wherein extracting director instructions comprises the further steps of: determining a director identity (e.g., paragraph 43, col., 3), and extracting from the store of director instructions director instructions having director instruction identities equal to the director identity (e.g., paragraph 49, col., 3),

the director's attributes comprise a director authority (e.g., paragraph 43, col., 3), wherein the director instruction records comprise a director instruction authority (e.g., paragraph 51, col., 3), and wherein extracting director instructions comprises the further steps of: determining a director authority (e.g., paragraph 43, col., 3), and extracting from the store of director instructions director instructions having director instruction authorities equal to the director authority (e.g., paragraph 49, col., 3),

the director instructions comprise URLs and anchors (e.g., paragraphs 24 and 25, page 2), encoding the extracted director instructions into hyperlinks in an HTML document (e.g., e.g., paragraphs 24 and 25, page 2, paragraph 26, page 2), downloading an HTML document to the director (e.g., Transactions to the Transcoding Domino, figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973.

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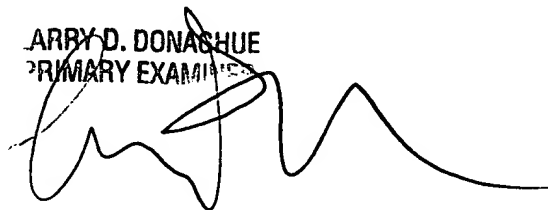
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

March 31, 2006

ARRY D. DONASHUE
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Arpy D. Donashue', is written over the printed name and title of the Primary Examiner.